

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 791

Introduced by Assembly Member Swanson

February 26, 2009

~~An act relating to pupils.~~ *An act to add Section 41329.60 to the Education Code, relating to the Oakland Unified School District.*

LEGISLATIVE COUNSEL'S DIGEST

AB 791, as amended, Swanson. ~~Pupils; dropouts.~~ *The Oakland Unified School District: governance.*

(1) Existing law requires the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of the Oakland Unified School District and to appoint an administrator to act on behalf of the Superintendent in exercising the authority of the Superintendent over the school district. The authority of the Superintendent and the administrator over the school district is required to continue until certain enumerated conditions are met, including the completion of an improvement plan for the district. Existing law requires the County Office Fiscal Crisis and Management Assistance Team (FCMAT) to prepare the improvement plan for the school district, as provided, by July 1, 2003, and requires the FCMAT to report on the implementation of the plan, as specified.

This bill would require the Superintendent to return the authority for each operational area to the governing board by January 4, 2010, according to the recommendation of the most recent FCMAT progress report.

(2) Existing law requires the governing board of the Oakland Unified School District to serve without compensation as an advisory body

during the period that the Superintendent is exercising authority over the district.

This bill would entitle the members of the governing board to receive full compensation for services, once authority for one or more operational areas is returned to the governing board, that they would have received prior to the transfer of authority to operate the district to the Superintendent.

(3) This bill would declare that due to the unique circumstances regarding governance of the school district, a general statute cannot be made applicable.

~~Existing law establishes the pupil retention block grant and provides that the grant includes funding previously apportioned to school districts for purposes of various specified programs, including, among others, dropout prevention and recovery programs, as specified.~~

~~This bill would declare the intent of the Legislature to enact legislation that would authorize community college districts to receive funds based on average daily attendance to instruct high school dropouts in programs that lead to an associate's degree or a high school diploma or General Education Development (GED) equivalent.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) Providing a quality education that meets the unique needs*
4 *of Oakland public school pupils is a fundamental goal that should*
5 *not be jeopardized. On December 5, 2008, the County Office Fiscal*
6 *Crisis and Management Assistance Team (FCMAT) recommended,*
7 *in its sixth progress report on the assessment and recovery plan*
8 *of the Oakland Unified School District, that the operational areas*
9 *of pupil achievement and financial management be returned to*
10 *the district.*

11 *(b) The Oakland Unified School District has been in state*
12 *receivership since 2003. During that time new members,*
13 *constituting a majority of the board, were elected to the governing*
14 *board of the district.*

1 (c) State receivership is intended to be a process for recovery,
2 and FCMAT's comprehensive review has demonstrated tangible
3 progress by the Oakland Unified School District.

4 (d) The Oakland Unified School District has made notable
5 academic improvements over the last few years, demonstrated by
6 test score improvements, an increased number of fully credentialed
7 teachers in Oakland classrooms, and increased parental and
8 community involvement. In 2006, the Oakland Unified School
9 District made the largest improvement in Academic Performance
10 Index (API) test scores among the 33 largest unified school districts
11 in California.

12 (e) The governing board and the community of the Oakland
13 Unified School District have the will to continue the key
14 educational reforms that have benefited Oakland public school
15 pupils in the last three years and to support difficult decisions in
16 order to immediately eliminate all further overspending by the
17 district.

18 (f) The governing board of the Oakland Unified School District
19 has voluntarily undergone training in the responsibilities and
20 proper conduct of a school district governing board. The training
21 began in January 2007 and was completed in June 2007.

22 (g) In its Sixth Progress Report on the Assessment and Recovery
23 Plan of the Oakland Unified School District, FCMAT stated as
24 follows:

25 "In collaboration with the California Department of Education,
26 FCMAT established the following criteria to measure the district's
27 progress. When the average score of the subset of standards in an
28 operational area reaches a level of six and it is considered to be
29 substantial and sustainable, and no individual standard in the
30 subset is below a four, FCMAT will recommend to the
31 Superintendent of Public Instruction (SPI) that this particular
32 condition of SB 39 has been met and that this operational area
33 could be returned to the Governing Board."

34 SEC. 2. It is the intent of the Legislature that the state
35 administrator appointed pursuant to subdivision (b) of Section 4
36 of Chapter 14 of the Statutes of 2003 and the governing board of
37 the Oakland Unified School District begin the process of a
38 structured and orderly return of authority over the operational
39 areas of pupil achievement and fiscal control from the
40 Superintendent of Public Instruction back to the governing board

1 of the Oakland Unified School District, pursuant to annual County
2 Office Fiscal Crisis and Management Assistance Team progress
3 reports and recommendations on any operational areas that should
4 be returned to the control of the governing board.

5 SEC. 3. Section 41329.60 is added to the Education Code, to
6 read:

7 41329.60. (a) For purposes of this section, “operational
8 areas” means the operational areas of community relations and
9 governance, pupil achievement, personnel management, facilities
10 management, and fiscal control.

11 (b) Notwithstanding any provision of Chapter 14 of the Statutes
12 of 2003, the Superintendent shall return authority for each
13 operational area for which the most recent annual progress report
14 prepared and submitted by FCMAT recommends the authority be
15 returned to the governing board by January 4, 2010.

16 (c) Notwithstanding any provision of Chapter 14 of the Statutes
17 of 2003, the members of the governing board shall be entitled to
18 receive the full compensation for services, once authority for one
19 or more operational areas is returned to the governing board
20 pursuant to this section, that they would have received prior to the
21 Superintendent originally assuming authority for all of the
22 operational areas.

23 SEC. 4. The Legislature finds and declares that due to the
24 unique circumstances regarding governance of the Oakland
25 Unified School District, a general statute cannot be made
26 applicable within the meaning of Section 16 of Article IV of the
27 California Constitution.

28 ~~SECTION 1. It is the intent of the Legislature to enact~~
29 ~~legislation that would authorize community college districts to~~
30 ~~receive funds based on average daily attendance to instruct high~~
31 ~~school dropouts in programs that lead to an associate’s degree or~~
32 ~~a high school diploma or General Education Development (GED)~~
33 ~~equivalent.~~